

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK DIVISION

IN RE: REQUEST FOR JUDICIAL
ASSISTANCE FROM THE LOCAL
COURT OF DANNENBERG (ELBE),
GERMANY IN THE MATTER OF
KATRIN DALUEGE V. JAMES DIJON
THOMPSON

CASE NO.

DECLARATION OF TRIAL ATTORNEY KATERINA OSSENOVA

I, Katerina Ossanova, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Trial Attorney at the U.S. Department of Justice, Civil Division, Office of Foreign Litigation. I make this declaration upon information and belief based upon the attached exhibits and communications received from the Local Court of Dannenberg (Elbe), Germany (“German Court”). I make this declaration in support of the Government’s request, pursuant to 28 U.S.C. § 1782(a), for an Order appointing me Commissioner for the purpose of obtaining testimony from James Dijon Thompson.¹

¹ Section 1782(a) provides, in pertinent part, as follows:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and my direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.

2. In connection with a judicial proceeding in the German Court, captioned *Katrin Daluege v. James Dijon Thompson*, Foreign Reference Number: 51 F 354/15 S, the Court issued a Letter of Request seeking testimony from James Dijon Thompson. A true and correct redacted copy of the Letter of Request received from the German Court is attached as Exhibit A.

3. The specific information requested by the German Court is reflected in a subpoena addressed to James Dijon Thompson, which the United States intends to serve (in substantially similar format) upon my appointment as Commissioner. A copy of the proposed subpoena is attached as Exhibit B.

4. To date, the witness has refused to voluntarily provide the evidence despite being given numerous opportunities to do so. *See* Exhibits C-1 –C-3.

5. In order to assist the German Court in obtaining the requested information, I respectfully request that this Court enter the proposed Order attached to the Application appointing me Commissioner.

No previous application for the relief sought herein has been made.

I declare under penalty of perjury that the foregoing is true and correct.

WHEREFORE, the United States respectfully requests that this Court enter the attached Order.

Washington, D.C.
December 3, 2019

/s/ Katerina Ossenova

Katerina Ossenova
Trial Attorney